

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico

United States District Court  
Albuquerque, New Mexico

Mitchell R. Elfers  
Clerk of Court

United States of America  
v.  
Marquez Martinez  
SSN: XXX-XX-1263; YOB 1998

Case No. 23-MJ-828

*Defendant(s)*

**AMENDED  
CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 1, 2023 to May 11, 2023 in the county of Bernalillo in the  
                     District of New Mexico, the defendant(s) violated:

*Code Section*

18 U.S.C. §§ 922(a)(1) and (o)

*Offense Description*

Dealing firearms without a license; unlawful transfer/possession of a machine gun

This criminal complaint is based on these facts:

See attachement

☒ Continued on the attached sheet.



*Complainant's signature*

Katie M. Stamper - ATF Special Agent

*Printed name and title*

Electronically submitted and telephonically sworn before me.

Date: ~~05/11/2023~~ 05/15/2023

City and state: Albuquerque, New Mexico



*Judge's signature*

Hon. Steven C. Yarbrough, U.S. Magistrate

*Printed name and title*

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1. I, Katie M. Stamper, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, depose and state:
2. I am a Special Agent with ATF. I have been employed with ATF since March of 2020. I am an investigative, or law enforcement, officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18, 21, and 26 of the United States Code.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training as an ATF Special Agent includes but is not limited to: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; and (5) the execution of arrest and search warrants seeking firearms, narcotics, and DNA.
4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

#### **PROBABLE CAUSE**

5. On January 9, 2023, an Instagram account “Account 1”<sup>1</sup> was identified by the ATF to be advertising firearms with the capability to shoot fully automatic. Account 1 was preliminarily linked to an individual named Marquez Martinez (DOB 12/02/1998). I observed the Instagram account and identified several “stories” posted by this account that advertised firearms for sale, posts about firearms that had been previously sold with a “glitch.” Based on my training and experience, I know that “glitch” is a slang term used for a fully automatic Glock Switch.<sup>2</sup>

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<sup>1</sup> The full name of the Instagram account is known to law enforcement but anonymized here to protect the ongoing investigation.

<sup>2</sup> Attachment of the Glock switch means the firearm had the capability to shoot fully automatic. I also know fully automatic sears are devices that allow firearms to be modified into machine guns. The manufacture, sell, or possession of these items without proper licensing is prohibited by federal law.

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6. On January 10, 2023, the Albuquerque Police Department (APD) was called to West Mesa High school (WMHS) for a fifteen (15) year old student who had two (2) firearms in his/her possession.
7. I learned that the WMHS student was found in possession of two firearms, one being a Glock, 17 Gen 5, 9mm pistol bearing serial number BPDF646 with a Glock switch attached. The firearm chamber was empty but was loaded with a full magazine of ammunition. This firearm was traced back to its original purchaser and it was learned that the firearm was purchased 61 days prior to being recovered by law enforcement. The firearm was found to be purchased by Marquez Martinez on November 10, 2022, from a Federal Firearms Licensee (FFL) located in Rio Rancho, NM ("FFL 1").<sup>3</sup>
8. On January 11, 2023, I had a National Instant Check System (NICS) notification put in place for Marquez Martinez. This notification advises any time that Marquez Martinez's name is run for a background check by an FFL in reference to purchasing a firearm. This notification gives an estimated time of the purchase based off a four-hour cycle of when the purchase is conducted.
9. On February 1, 2023, APD Undercover (UC) Detective #5654 made contact with Marquez Martinez through Account 1. The UC and Marquez Martinez had a series of conversations to discuss the possible purchase of "Strips," which is a slang term for LSD. All conversation between the UC and Marquez Martinez was conducted through Account 1.
10. On February 13, 2023, the UC conducted a controlled purchase with Marquez Martinez where the UC purchased two (2) strips of LSD for \$120. The controlled purchase took place near the intersection of Louisiana Blvd SE and Continental Loop SE.
11. On February 14, 2023, the UC conducted another controlled purchase with Marquez Martinez. The UC parked nearby the address on the corner streets of Louisiana Blvd SE and Continental Loop SE. The UC purchased two (2) strips of LSD for \$60 and a Glock, model 48, 9mm pistol with serial number BLBH780 for \$800. The firearm purchased during this deal was traced back to its original purchaser and was found to be bought by Marquez Martinez on January 6, 2023, at an FFL, FFL 2, in Albuquerque, NM. This firearm was purchased 39 days prior to it being recovered by law enforcement.
12. On February 23, 2023, the UC conducted a third controlled purchase with Marquez Martinez. The UC parked nearby the address on the corner streets of Louisiana Blvd SE and Continental Loop SE. The UC purchased two (2) strips of LSD for \$100 and two (2) firearms for \$1600. The firearms were a Palmetto State Armory, model PSAK47,

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<sup>3</sup> The full name of the FFL here, and throughout, is known to law enforcement but anonymized here to protect the ongoing investigation.

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7.62x39mm rifle with the serial number AKB019133 and a Diamond Back, model DB9R, 9mm pistol with serial number DB9R01828.

13. During the third controlled purchase, Marquez Martinez arrived in a red Chevy Silverado bearing New Mexico license plate BCXX79. The UC observed that the front passenger, who was not Marquez Martinez, had a tan handgun laying in his lap during the controlled purchase.
14. During the deal, the UC asked if it was possible for them to get more handguns and rifles. Marquez and the front passenger both indicated that they would be able to. The UC asked about switches and the passenger stated that he could get a few and they would be around \$700. The UC also asked about sears and the passenger stated he could get them and sell them for around \$60.
15. On March 2, 2023, a Texas State Trooper made a traffic stop in El Paso, TX, on a vehicle that contained an individual wanted for homicide in Albuquerque, NM. During the search of the vehicle a firearm was recovered, a Glock, model 19, 9mm pistol with serial number BWSF252. This firearm was later seized by APD and found to be modified with a Glock Switch making the firearm shoot fully automatic. This firearm was traced back to the original purchaser, Martinez Marquez, who bought the firearm on June 26, 2022, at an FFL, FFL 3, in Albuquerque, NM. This firearm was purchased 254 days prior to it being recovered by law enforcement.
16. On March 6, 2023, the UC contacted Marquez Martinez to purchase a Glock Switch he previously offered for sale. The UC also asked Marquez Martinez about purchasing fentanyl pills, and Marquez Martinez stated that he would not be able to sell the pills until later in the day.
17. The fourth controlled purchase took place in the Smith's parking lot located at 6001 Lomas Blvd NE, Albuquerque NM 87110. Officers observed a black Hyundai sedan arrive in the parking lot and the UC identified the driver as the passenger from the third controlled purchase. Marquez Martinez was in the passenger seat..
18. During the controlled purchase, the UC observed that Marquez Martinez had the Glock Switch in a plastic bag which he handed to the driver, who handed the bag to the UC. The UC asked if the Glock Switch was "good to go?" and the driver told the UC that the Glock Switch had come off his own Glock (meaning it was "good to go"). The UC purchased the Glock Switch for \$800.
19. On March 8, 2023, the APD Gun Violence Suppression Unit (GVSU) conducted a vehicle stop in Albuquerque, NM. During the vehicle stop, a firearm was recovered and seized, this firearm was a Glock, model 30, 45 caliber pistol with the serial number BXDY370. This firearm was traced back to the original purchaser, Marquez Martinez,

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who purchased it on January 7, 2023, at FFL 3 in Albuquerque, NM. This firearm was purchased 62 days prior to it being recovered by law enforcement.

20. On March 20, 2023, the UC conducted a fifth controlled purchase with Marquez Martinez. The controlled purchase took place in the Smith's parking lot located at 6001 Lomas Blvd NE, Albuquerque NM 87110. Officers again observed a black Hyundai sedan arrive in the parking lot. The UC identified Marquez Martinez in the passenger seat, and an unidentified female driving the vehicle.
21. During the controlled purchase, Marquez Martinez handed a clear bag containing 500 blue fentanyl pills across the driver through the driver side window to the UC. Then Marquez Martinez handed three Glock Switches across the driver through the driver side window to the UC. The UC handed Marquez Martinez \$2,700, which included \$750 for the 500 fentanyl pills and \$1,950 for the Glock Switches.
22. On April 23, 2023, I was notified that Marquez Martinez had purchased a firearm from an FFL, FFL 4, in Albuquerque, NM.
23. I contacted FFL 4 and it provided the Form 4473 (Firearms Transaction Record) associated with Marquez Martinez's purchase, as well as the surveillance footage of the purchase. I reviewed the footage and positively identified Marquez Martinez inside the store and present during the purchase. The footage also showed Marquez Martinez and the individual present for the third and fourth controlled purchases arriving and departing the location in a black Hyundai. The 4473 records reflect that Marquez Martinez purchased two firearms: a Glock, model 43x, 9mm pistol with the serial number BWML741, and a SCT manufacturing, model S80, 9mm pistol with the serial number AAA0002635.
24. ATF Industry Operations Investigator (IOI) Melidones searched the ATF's FFL database for a license connected with Marquez Martinez. Certain classifications of FFLs would give the holder legal authority to possess a machinegun. These types of FFLs are typically restricted to manufacturing and selling machine guns for law enforcement and military uses. Marquez Martinez does not have an FFL, are not listed as a "responsible party" on any FFL. IOI Melidones also conducted a query in the National Firearms Registry and Transfer Records (NFRTR) to determine if either Marquez Martinez possessed any lawfully registered devices under the National Firearms Act of 1934. IOI Melidones determined that Marquez Martinez does not have registered devices. Therefore, there does not appear to be any lawful reason why Marquez Martinez should be in possession of a fully automatic weapon.
25. During the five-month period of monitoring Marquez Martinez' firearm purchases, I have estimated him responsible for buying at least thirty-five firearms.

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26. I obtained the employment records for Marquez Martinez. Marquez Martinez did have employment during the last quarter of 2022, where he made around \$2,700. Based off my training and experience the cost of the firearms being purchased by Marquez Martinez could possibly total \$400-\$1200 per firearm. For the past six months I have known Marquez Martinez to purchase at least thirty-five firearms, vastly exceeding his last known quarterly income.
27. On May 11, 2023, I, along with other federal law enforcement agents, executed a search warrant at 5513 El Encanto Pl. NE, Albuquerque, New Mexico 87110, the current known residence of Marquez Martinez. Inside the home, we located the following: approximately thirteen firearms; a large amount of ammunition; and numerous ammunition magazines (both loaded and unloaded). Nearly all of the firearms had an associated gun box, indicating there were likely recently purchased. These items were primarily located in the bedroom of Marquez Martinez's brother, but the items (to include the firearms, ammunition, and magazines) were located throughout the residence.
28. Marquez Martinez arrived at the residence while the search warrant execution was underway. I advised him of his rights pursuant to *Miranda*. He acknowledged understanding his rights and agreed to waive his rights and speak with me. During the course of our conversation, Marquez Martinez admitted he has purchased "hundreds" of firearms since the time he turned 21, to include at least fifty purchases in the past six months. He indicated he sells the firearms to support himself and store them in his brother's bedroom.
29. Based upon these facts, I believe that there is probable cause to believe that Marquez Martinez (YOB 1998) has committed offenses involving violations of 18 U.S.C. § 922(a)(1)(A), engaging in the business of dealing in firearms without a license (firearms or destructive device); and 18 U.S.C. § 922(o), illegal possession of a machine gun.
30. This warrant was reviewed and approved by Assistant United States Attorney Sarah Mease.

Respectfully submitted,



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Katie M. Stamper  
Special Agent  
ATF

Subscribed and sworn to me by reliable  
electronic means on May 15, 2023

